

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/756,947 Confirmation No. 3281
Applicant : Norman Krasner
Filed : January 13, 2004
Art Unit : 2617
Examiner : William D. Cumming
Docket No. : 000730C1
Customer No. : 23696

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
IN ACCORDANCE WITH CFR §1.181**

Dear Sir:

In view of the following facts, the undersigned respectfully requests withdrawal of the holding of abandonment for the above-referenced case as improper.

1. This application was filed on January 13, 2004 and assigned Serial No. 10/756,947.
2. On October 31, 2007, a Notice of Allowance was mailed. The Notice of Allowance was in response to the terminal disclaimer filed on September 24, 2007.
3. Also on October 31, 2007, Applicant filed a proper Request for Continued Examination to submit an Information Disclosure Statement. Prosecution was thus reopened on October 31, 2007.
4. On April 22, 2008, the Examiner mailed a notice that the RCE was filed prior to the Notice of Allowance, and that he had considered the references.

5. After filing an RCE, prosecution of the application remains open until a final disposition of the application, such as an allowance or final rejection of the application.

6. Although Applicant appreciates the indication that the references were considered and the application still considered in condition for allowance, the April 22, 2008 notice from the Examiner did not close prosecution. The Notice of Allowance of October 31, 2007 noted that it was in response to the September 24, 2007 filing, and not the RCE and IDS filed on October 31, 2007. Applicant also notes that the April 22, 2008 communication is described on the PAIR system as being a miscellaneous communication to applicant, with no action count, while a final disposition of a case is accompanied by an action count. Accordingly, Applicant was waiting for a subsequent Notice of Allowance in response to the RCE and IDS filed on October 31, 2007.

7. Because prosecution of the application was re-opened with Applicant's proper filing of an RCE, the holding of Abandonment of May 16, 2008 is improper. Applicant thus respectfully requests withdrawal of the Abandonment.

8. Applicants do not believe that any fees are due. If, however, it is determined that fees are owed, Applicants hereby authorize that such fees be charged to Deposit Account No. 17-0026.

The undersigned declares further that all statements made herein are of his or her own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: Sept 25, 2008

Respectfully submitted,

By: 

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